

APPENDIX D.

In the Circuit Court, in and for Duval County, Florida.
In Chancery. No. 48243-E Macclenny Turpentine
Company, a Florida corporation, et al., Plaintiffs, vs.
Baldwin Drainage District, a public corporation, et al.,
Defendants.

Motion

Come now the Defendants in the above entitled cause,
and respectfully show to the Court:

1. That the Order of this Court dated April 3, 1943 has in effect ruled adversely to the contentions of the Defendants herein on certain important questions of law which go to the entire merits of the case of the Defendants in some respects, and which in other respects would require the compiling of a lengthy answer and the taking of a great amount of testimony on behalf of both parties in order to enable this Court to enter a Final Decree.

2. The presentation of this case upon the merits at final hearing will be greatly simplified if final disposition can be made of some of the important questions of law decided by the Court adversely to the Defendants.

3. The Defendants, therefore, are desirous of appealing to the Supreme Court and requesting the issuance of a Writ of Certiorari at this time in order to simplify the issues that should be tried before the Circuit Court upon the pleadings of both parties.

4. Complainants have also indicated a desire to likewise appeal to the Supreme Court from rulings made by the Circuit Judge which they conceive to be adverse to their interests.

Wherefore, Defendants move for the entry of an Order by this Court deferring the date upon which De-

endants shall answer the Bill of Complaint until after the Supreme Court shall have ruled upon the appeals of the respective parties from the interlocutory Order of April 3, 1943.

(Sgd) Giles J. Patterson

(Sgd) John W. Harrell

Attorneys for Defendants.

Such an order approved this Apr. 27, 1943.

(Sgd) Thos. B. Adams,
Atty. for Plffs.